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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,262	01/22/2004	Hiroaki Kajita	0229-0793P	2578
2292	7590	09/14/2005		EXAMINER
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			MAKI, STEVEN D	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/761,262	KAJITA, HIROAKI	
	<b>Examiner</b> Steven D. Maki	<b>Art Unit</b> 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                    |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                               | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>012204,062804</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

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- 1) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2) Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, there is no antecedent basis for "said inner circumferential groove".

Should claim 3 depend on claim 2 instead of claim 1?

- 3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 4) **Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Europe 143 (EP 790143) in view of Hubbell et al (US 5733393).**

Europe 143 discloses a pneumatic radial tire for a passenger car having improved high speed durability and cornering performance. The tire has a tread, breaker, full width band and edge bands and therefore substantially discloses the claimed invention except for the claimed footprint factor of 75-85%. However, it would have been obvious to one of ordinary skill in the art to provide Europe 143's pneumatic tire for a passenger car such that it has the claimed "footprint factor" of 75-85% since Hubbell et al, also directed to a pneumatic radial tire for an automobile suggests forming the pneumatic tire such that the footprint factor at standard inflation and load is 77% to 100% (1/1.3 to 1/1) to provide optimal wear and handling properties (Col. 6 lines 1-13).

As to claim 2, Hubbell et al suggests providing the tread with inner circumferential grooves and a center rib.

**5) Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Europe 143 (EP 790143) in view of Hubbell as applied above and further in view of Japan 804 (JP 3-159804) and optionally at least one of Japan 303 (JP 7-81303), Japan 520 (JP 9-207520) and Japan 203 (JP 4-11020).**

As to claims 2-4, it would have been obvious to one of ordinary skill in the art to provide Europe 143's tread with the tread pattern shown by Japan 804 since Japan 804 teaches that the tread pattern which comprises slits, center rib, inner circumferential grooves, outer circumferential grooves, intermediate blocks and shoulder blocks has improved noise reduction and anti-partial wear. The limitation of 2-4 axial shoulder grooves being in the footprint (ground contacting face) would have been obvious in view of (1) Japan 804's teaching that the tread pattern includes axial shoulder grooves, (2) the above noted teaching from Hubbell to form the pneumatic tire such that the footprint factor at standard inflation and load is 77% to 100% (1/1.3 to 1/1) to provide optimal wear and handling properties (Col. 6 lines 1-13) and optionally (3) the suggestion from at least one of Japan 303, Japan 520 and Japan 203 to provide a tread such that five or less axial shoulder grooves are in the footprint. Japan 303 teaches a footprint factor similar to that of Hubbell. Japan 520 teaches that noise is reduced. Japan 203 teaches steering stability and prevention of uneven abrasion is improved.

Remarks

**6) The remaining references are of interest.**

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- 7) No claim is allowed.
- 8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki  
September 11, 2005

*Steven D. Maki*  
9-11-05  
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